

**Notice of Allowability**

Application No.

09/869,984

Examiner

Patricia L. Hailey

Applicant(s)

SOLED ET AL.

Art Unit

1755

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' amendments and remarks filed on November 2, 2006.
2. ☒ The allowed claim(s) is/are 1-3 and 5-13.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

Applicants' remarks and amendments, filed on November 2, 2006, have been carefully considered. Claim 4 has been canceled; no new claims have been added.

Claims 1-3 and 5-13 remain pending in this application.

### ***Withdrawn Rejections***

The following rejections have been withdrawn in view of the Terminal Disclaimers filed by Applicants on November 2, 2006:

(1) The obviousness-type double patenting rejection of claims 1-13 as being unpatentable over claims 1 and 8-10 of 6,582,590,

(2) The obviousness-type double patenting rejection of claims 1-13 as being unpatentable over claims 1-8 of 6,755,963, and

(3) The obviousness-type double patenting rejection of claims 1-13 as being unpatentable over claims 1-18 of 6,712,955.

The 103(a) rejections of claims 1-13 as being unpatentable over either: Mills et al. (3,619,414), Ho et al. (5,841,013), or European Patent No. 0 203 228, stated in the previous Office Action, have been withdrawn in view of Applicants' amendments and persuasive arguments traversing this rejection.

### ***Allowable Subject Matter***

1. Claims 1-3 and 5-13 are allowed.

### ***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or suggest the claimed process for hydroprocessing a petroleum feedstock, said feedstock containing both nitrogen and sulfur, said process comprising contacting a feedstock with a bulk multimetallic catalyst represented by the formula  $(X)_b(\text{Mo})_c(\text{W})_d\text{O}_z$ , wherein X is a Group VIII non-noble metal, and the molar ratio of  $b:(c+d)$  is 05//1 to 3/1,  $z = [2b + 6(c+d)]/2$ , and wherein the process is performed specifically claimed and recited conditions of temperature, pressure, gas rates, and liquid hourly space velocity.

The bulk multimetallic catalyst formulaically recited in the instant claims is not taught or suggested by the cited references of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

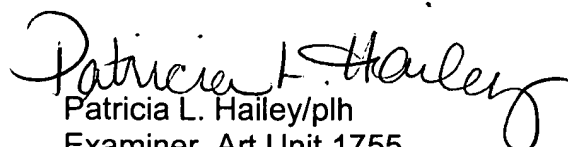
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Hailey whose telephone number is (571) 272-1369. The examiner can normally be reached on Mondays-Fridays, from 7:00 a.m. to 3:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo, can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 1700 Receptionist, whose telephone number is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Patricia L. Hailey/plh  
Examiner, Art Unit 1755  
January 22, 2007

  
J.A. LORENZO  
SUPERVISORY PATENT EXAMINER